

United States District Court

DISTRICT OF SOUTH DAKOTA SOUTHERN DIVISION

TAMI SKROVIG, as Personal Representative Estate of Thomas
Jeffrey Skrovig

Plaintiff

v.

BNSF RAILWAY COMPANY, a Delaware corporation,

Defendant.

PLAINTIFF'S EXHIBIT LIST

CASE NUMBER: 10-4022

PRESIDING JUDGE Honorable Jeffrey L. Viken		PLAINTIFF'S ATTORNEY Edwin E. Evans		DEFENDANT'S ATTORNEY Thomas Sattler
TRIAL DATE(S) April 23, 2012 – May 4, 2012		COURT REPORTER		COURTROOM DEPUTY
PLF. NO.	DEF. NO.	OFFERED	ADMITTED	DESCRIPTION OF EXHIBITS
1				Tourist Map of South Dakota
2				Official South Dakota Rail Map
3				Aerial Map of Taopi Township
4				Aerial Map of 465 th Ave and 249 St, Minnehaha County
5				Aerial Map of 465 th Ave, Minnehaha County
6				BNSF Maintenance of Way Operating Rules (Revised 5/3/2007)
7				BNSF Maintenance of Way Operating Rule 6.50.2
8				BNSF Engineering Instructions, Ch. 14 (Roadway Equipment)
9				BNSF Engineering Instructions 14.4.1
10				BNSF Employee Transcript of Dwight R. Wise (redacted)
11				Minnehaha County Sheriff's Office file (including photographs) (redacted)
12				Photograph of Toyota Tundra taken by Tami Skrovig
13				Photograph of Toyota Tundra taken by Tami Skrovig
14				Photograph of Toyota Tundra taken by Tami Skrovig
15				Photograph of Toyota Tundra taken by Tami Skrovig
16				Photograph of Toyota Tundra taken by Tami Skrovig

* Include a notation as to the location of any exhibit not held with the case file or not available because of size.

PLAINTIFF'S EXHIBIT LIST – CONTINUATION

TAMI SKROVIG V. BNSF RAILWAY COMPANY				CASE NO. 10-4022
PLF. NO.	DEF. NO.	OFFERED	ADMITTED	DESCRIPTION OF EXHIBITS
17				Photograph of Toyota Tundra taken by Tami Skrovig
18				Photograph of Toyota Tundra taken by Tami Skrovig
19				Photograph of Toyota Tundra taken by Tami Skrovig
20				Photograph of Toyota Tundra taken by Tami Skrovig
21				Photograph of Toyota Tundra taken by Tami Skrovig
22				Photograph of Toyota Tundra taken by Tami Skrovig
23				Photograph of Toyota Tundra taken by Tami Skrovig
24				Photograph of Toyota Tundra taken by Tami Skrovig
25				Photograph of Toyota Tundra taken by Tami Skrovig
26				Photograph of Toyota Tundra taken by Tami Skrovig
27				Photograph of Toyota Tundra taken by Tami Skrovig
28				Photograph of Toyota Tundra taken by Tami Skrovig
29				Photograph of Toyota Tundra taken by Tami Skrovig
30				Photograph of Toyota Tundra taken by Tami Skrovig
31				Photograph of Toyota Tundra taken by Don Marty
32				Photograph of Toyota Tundra taken by Don Marty
33				Photograph of Toyota Tundra taken by Don Marty
34				Photograph of Toyota Tundra taken by Don Marty
35				Photograph of Toyota Tundra taken by Don Marty
36				Photograph of Toyota Tundra taken by Don Marty
37				Photograph of Toyota Tundra taken by Don Marty
38				Photograph of Toyota Tundra taken by Don Marty
39				Photograph of Toyota Tundra taken by Don Marty
40				Photograph of Toyota Tundra taken by Don Marty
41				Photograph of Toyota Tundra taken by Don Marty
42				Photograph of Toyota Tundra taken by Don Marty

PLAINTIFF'S EXHIBIT LIST – CONTINUATION

TAMI SKROVIG V. BNSF RAILWAY COMPANY				CASE NO. 10-4022
PLF. NO.	DEF. NO.	OFFERED	ADMITTED	DESCRIPTION OF EXHIBITS
43				Photograph of Toyota Tundra taken by Don Marty
44				Photograph of Toyota Tundra taken by Don Marty
45				Photograph of Toyota Tundra taken by Don Marty
46				Photograph of Toyota Tundra taken by Don Marty
47				Photograph of Toyota Tundra taken by Don Marty
48				Photograph of Toyota Tundra taken by Don Marty
49				Photograph of Toyota Tundra taken by Don Marty
50				Photograph of Toyota Tundra taken by Don Marty
51				Photograph of Toyota Tundra taken by Don Marty
52				Photograph of Toyota Tundra taken by Don Marty
53				Photograph of Toyota Tundra taken by Don Marty
54				Photograph of Toyota Tundra taken by Don Marty
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57				Photograph of Toyota Tundra taken by Don Marty
58				Photograph of Toyota Tundra taken by Don Marty
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62				Photograph of Toyota Tundra taken by Don Marty
63				Photograph of Toyota Tundra taken by Don Marty
64				Photograph of Toyota Tundra taken by Don Marty
65				Photograph of Toyota Tundra taken by Don Marty
66				Photograph of Toyota Tundra taken by Don Marty
67				Photograph of Toyota Tundra taken by Don Marty
68				Photograph of Toyota Tundra taken by Don Marty

PLAINTIFF'S EXHIBIT LIST – CONTINUATION

TAMI SKROVIG V. BNSF RAILWAY COMPANY				CASE NO. 10-4022
PLF. NO.	DEF. NO.	OFFERED	ADMITTED	DESCRIPTION OF EXHIBITS
69				Photograph of Toyota Tundra taken by Don Marty
70				Photograph of Toyota Tundra taken by Don Marty
71				Photograph of Toyota Tundra taken by Don Marty
72				Photograph of Toyota Tundra taken by Don Marty
73				Photograph of Toyota Tundra taken by Don Marty
74				Photograph of Toyota Tundra taken by Don Marty
75				Photograph of Toyota Tundra taken by Don Marty
76				Photograph of Toyota Tundra taken by Don Marty
77				Photograph of Toyota Tundra taken by Don Marty
78				Photograph of Toyota Tundra taken by Don Marty
79				Photograph of Toyota Tundra taken by Don Marty
80				Photograph of Toyota Tundra taken by Don Marty
81				Photograph of Toyota Tundra taken by Don Marty
82				Photograph of Toyota Tundra taken by Don Marty
83				Photograph of Toyota Tundra taken by Don Marty
84				Photograph of Toyota Tundra taken by Don Marty
85				Photograph of Toyota Tundra taken by Don Marty
86				Photograph of Toyota Tundra taken by Don Marty
87				Photograph of Toyota Tundra taken by Don Marty
88				Photograph of Toyota Tundra taken by Don Marty
89				Photograph of Toyota Tundra taken by Don Marty
90				Photograph of accident scene taken by Tom Neeser (8/23/07)
91				Photograph of accident scene taken by Tom Neeser (8/23/07)
92				Photograph of accident scene taken by Tom Neeser (8/23/07)
93				Photograph of accident scene taken by Tom Neeser (8/23/07)
94				Photograph of accident scene taken by Tom Neeser (8/23/07)

PLAINTIFF'S EXHIBIT LIST – CONTINUATION

TAMI SKROVIG V. BNSF RAILWAY COMPANY				CASE NO. 10-4022
PLF. NO.	DEF. NO.	OFFERED	ADMITTED	DESCRIPTION OF EXHIBITS
95				Photograph of accident scene taken by Tom Neeser (8/23/07)
96				Photograph of accident scene taken by Tom Neeser (8/23/07)
97				Photograph of accident scene taken by Tom Neeser (8/23/07)
98				Photograph of accident scene taken by Tom Neeser (8/23/07)
99				Photograph of accident scene taken by Tom Neeser (8/23/07)
100				Photograph of accident scene taken by Tom Neeser (8/23/07)
101				Photograph of accident scene taken by Tom Neeser (8/23/07)
102				Photograph of accident scene taken by Tom Neeser (8/23/07)
103				Photograph of accident scene taken by Nick Seiter (8/21/07)
104				Photograph of accident scene taken by Nick Seiter (8/21/07)
105				Photograph of accident scene taken by Nick Seiter (8/21/07)
106				Photograph of accident scene taken by Nick Seiter (8/21/07)
107				Photograph of accident scene taken by Nick Seiter (8/21/07)
108				Photograph of accident scene taken by Nick Seiter (8/21/07)
109				Photograph of accident scene taken by Nick Seiter (8/21/07)
110				Photograph of accident scene taken by Nick Seiter (8/21/07)
111				Photograph of accident scene taken by Nick Seiter (8/21/07)
112				Photograph of accident scene taken by Nick Seiter (8/21/07)
113				Photograph of accident scene taken by Nick Seiter (8/21/07)
114				Photograph of accident scene taken by Nick Seiter (8/21/07)
115				Photograph of accident scene taken by Nick Seiter (8/21/07)
116				Photograph of accident scene taken by Nick Seiter (8/21/07)
117				Photograph of accident scene taken by Nick Seiter (8/21/07)
118				Photograph of accident scene taken by Nick Seiter (8/21/07)
119				Photograph of accident scene taken by Nick Seiter (8/21/07)
120				Photograph of accident scene taken by Nick Seiter (8/21/07)

PLAINTIFF'S EXHIBIT LIST – CONTINUATION

TAMI SKROVIG V. BNSF RAILWAY COMPANY				CASE NO. 10-4022
PLF. NO.	DEF. NO.	OFFERED	ADMITTED	DESCRIPTION OF EXHIBITS
121				Photograph of accident scene taken by Nick Seiter (8/21/07)
122				Photograph of accident scene taken by Nick Seiter (8/21/07)
123				Photograph of accident scene taken by Nick Seiter (8/21/07)
124				Photograph of accident scene taken by Nick Seiter (8/21/07)
125				Photograph of accident scene taken by Nick Seiter (8/21/07)
126				Photograph of accident scene taken by Nick Seiter (8/21/07)
127				Photograph of accident scene taken by Nick Seiter (8/21/07)
128				Photograph of accident scene taken by Nick Seiter (8/21/07)
129				Photograph of accident scene taken by Nick Seiter (8/21/07)
130				Photograph of accident scene taken by Nick Seiter (8/21/07)
131				Photograph of accident scene taken by Nick Seiter (8/21/07)
132				Photograph of accident scene taken by Nick Seiter (8/21/07)
133				Photograph of accident scene taken by Nick Seiter (8/21/07)
134				Photograph of accident scene taken by Nick Seiter (8/21/07)
135				Photograph of accident scene taken by Nick Seiter (8/21/07)
136				Photograph of accident scene taken by Nick Seiter (8/21/07)
137				Photograph of accident scene taken by Nick Seiter (8/21/07)
138				Photograph of accident scene taken by Nick Seiter (8/21/07)
139				Photograph of accident scene taken by Nick Seiter (8/21/07)
140				Photograph of accident scene taken by Nick Seiter (8/21/07)
141				Photograph of accident scene taken by Nick Seiter (8/21/07)
142				Photograph of accident scene taken by Nick Seiter (8/21/07)
143				Photograph of accident scene taken by Nick Seiter (8/21/07)
144				Photograph of accident scene taken by Nick Seiter (8/21/07)
145				Photograph of accident scene taken by Nick Seiter (8/21/07)
146				Photograph of accident scene taken by Nick Seiter (8/21/07)

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TAMI SKROVIG V. BNSF RAILWAY COMPANY				CASE NO. 10-4022
PLF. NO.	DEF. NO.	OFFERED	ADMITTED	DESCRIPTION OF EXHIBITS
147				Photograph of accident scene taken by Nick Seiter (8/21/07)
148				Photograph of accident scene taken by Nick Seiter (8/21/07)
149				Photograph of accident scene taken by Nick Seiter (8/21/07)
150				U.S. D.O.T. Crossing Inventory Information sheet
151				Form A Bulletin Restrictions on Madison Subdivision
152				Correspondence from Gil Strickin to Tami Skrovig (10/29/07)
153				Correspondence from Gil Strickin to Mike and Renae Jensen (10/29/07)
154				Correspondence from Gil Strickin to Brian Skrovig (10/29/07)
155				Correspondence from Nick Seiter to Tami Skrovig (8/31/07)
156				Burlington Northern Santa Fe Report of Inspection
157				Ballast Regulator 46-2 Dimensional Chart
158				Ballast Regulator 46-2 Dimensional Chart
159				Twin Cities Job Brief Form
160				Engineering Hy-Rail Safety Checklist
161				Track Authority Form – MW (8/21/07)
162				Kershaw Operation & Maintenance Manual – Ballast Regulator Model 46-2-4
163				BNSF Roadway Equipment Maintenance Specifications
164				Handwritten note/drawing by Nick Seiter (8/21/07)
165				Handwritten note/drawing by Nick Seiter (8/21/07)
166				Handwritten note/drawing by Nick Seiter (8/21/07)
167				Handwritten note/drawing by Nick Seiter (8/21/07)
168				South Dakota Driver's License Manual
169				VINguard Vehicle Identification (redacted)
170				BNSF Claims Department photograph log w/notes by Nick Seiter
171				BNSF Claims Department photograph log w/notes by Nick Seiter

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PLF. NO.	DEF. NO.	OFFERED	ADMITTED	DESCRIPTION OF EXHIBITS
172				BNSF Claims Department photograph log w/notes by Nick Seiter
173				BNSF Claims Department photograph log w/notes by Nick Seiter
174				BNSF Claims Department photograph log w/notes by Nick Seiter
175				BNSF Claims Department photograph log w/notes by Nick Seiter
176				BNSF Claims Department photograph log w/notes by Nick Seiter
177				BNSF Claims Department photograph log w/notes by Nick Seiter
178				BNSF Claims Department photograph log w/notes by Nick Seiter
179				BNSF Claims Department photograph log w/notes by Nick Seiter
180				BNSF Claims Department photograph log w/notes by Nick Seiter
181				BNSF Claims Department photograph log w/notes by Nick Seiter
182				BNSF Claims Department photograph log w/notes by Nick Seiter
183				BNSF Claims Department photograph log w/notes by Nick Seiter
184				BNSF Claims Department photograph log w/notes by Nick Seiter
185				BNSF Claims Department photograph log w/notes by Nick Seiter
186				BNSF Claims Department photograph log w/notes by Nick Seiter
187				BNSF Claims Department photograph log w/notes by Nick Seiter
188				BNSF Claims Department photograph log w/notes by Nick Seiter
189				BNSF Claims Department photograph log w/notes by Nick Seiter
190				Dimensional chart of BNSF locomotive
191				Dimensional chart of BNSF locomotive
192				Dimensional chart of BNSF locomotive
193				Dimensional chart of BNSF locomotive
194				Dimensional chart of BNSF locomotive
195				Dimensional chart of BNSF locomotive
196				Dimensional chart of BNSF locomotive
197				Dimensional chart of BNSF locomotive

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PLF. NO.	DEF. NO.	OFFERED	ADMITTED	DESCRIPTION OF EXHIBITS
198				Dimensional chart of BNSF locomotive
199				Dimensional chart of BNSF locomotive
200				Photograph of ballast regulator taken by David Noyce (4/27/10)
201				Photograph of ballast regulator taken by David Noyce (4/27/10)
202				Photograph of ballast regulator taken by David Noyce (4/27/10)
203				Photograph of ballast regulator taken by David Noyce (4/27/10)
204				Photograph of ballast regulator taken by David Noyce (4/27/10)
205				Photograph of ballast regulator taken by David Noyce (4/27/10)
206				Photograph of ballast regulator taken by David Noyce (4/27/10)
207				Photograph of ballast regulator taken by David Noyce (4/27/10)
208				Photograph of ballast regulator taken by David Noyce (4/27/10)
209				Photograph of ballast regulator taken by David Noyce (4/27/10)
210				Photograph of ballast regulator taken by David Noyce (4/27/10)
211				Photograph of ballast regulator taken by David Noyce (4/27/10)
212				Photograph of ballast regulator taken by David Noyce (4/27/10)
213				Photograph of ballast regulator taken by David Noyce (4/27/10)
214				Photograph of ballast regulator taken by David Noyce (4/27/10)
215				Photograph of ballast regulator taken by David Noyce (4/27/10)
216				Photograph of ballast regulator taken by David Noyce (4/27/10)
217				Photograph of ballast regulator taken by David Noyce (4/27/10)
218				Photograph of ballast regulator taken by David Noyce (4/27/10)
219				Photograph of ballast regulator taken by David Noyce (4/27/10)
220				Photograph of ballast regulator taken by David Noyce (4/27/10)
221				Photograph of ballast regulator taken by David Noyce (4/27/10)
222				Photograph of ballast regulator taken by David Noyce (4/27/10)
223				Photograph of ballast regulator taken by David Noyce (4/27/10)

PLAINTIFF'S EXHIBIT LIST – CONTINUATION

TAMI SKROVIG V. BNSF RAILWAY COMPANY				CASE NO. 10-4022
PLF. NO.	DEF. NO.	OFFERED	ADMITTED	DESCRIPTION OF EXHIBITS
224				Photograph of ballast regulator taken by David Noyce (4/27/10)
225				Photograph of ballast regulator taken by David Noyce (4/27/10)
226				Photograph of ballast regulator taken by David Noyce (4/27/10)
227				Photograph of ballast regulator taken by David Noyce (4/27/10)
228				Photograph of ballast regulator taken by David Noyce (4/27/10)
229				Photograph of ballast regulator taken by David Noyce (4/27/10)
230				Photograph of ballast regulator taken by David Noyce (4/27/10)
231				Photograph of ballast regulator taken by David Noyce (4/27/10)
232				Photograph of ballast regulator taken by David Noyce (4/27/10)
233				Photograph of ballast regulator taken by David Noyce (4/27/10)
234				Photograph of ballast regulator taken by David Noyce (4/27/10)
235				Photograph of ballast regulator taken by David Noyce (4/27/10)
236				Photograph of ballast regulator taken by David Noyce (4/27/10)
237				Photograph of ballast regulator taken by David Noyce (4/27/10)
238				Photograph of ballast regulator taken by David Noyce (4/27/10)
239				Photograph of ballast regulator taken by David Noyce (4/27/10)
240				Photograph of ballast regulator taken by David Noyce (4/27/10)
241				Photograph of ballast regulator taken by David Noyce (4/27/10)
242				Photograph of ballast regulator taken by David Noyce (4/27/10)
243				Photograph of ballast regulator taken by David Noyce (4/27/10)
244				Photograph of ballast regulator taken by David Noyce (4/27/10)
245				Photograph of ballast regulator taken by David Noyce (4/27/10)
246				Handwritten note by Tami Skrovig (redacted)
247				Handwritten note by Tami Skrovig
248				Curriculum Vitae of David Noyce
249				Curriculum Vitae of Mark Lee Edwards

PLAINTIFF'S EXHIBIT LIST – CONTINUATION

TAMI SKROVIG V. BNSF RAILWAY COMPANY				CASE NO. 10-4022
PLF. NO.	DEF. NO.	OFFERED	ADMITTED	DESCRIPTION OF EXHIBITS
250				Curriculum Vitae of Ralph Brown
251				Thomas Skrovig funeral and burial expenses
252				Thomas Skrovig funeral and burial expenses
253				Thomas Skrovig funeral and burial expenses
254				Thomas Skrovig funeral and burial expenses
255				Thomas Skrovig funeral and burial expenses
256				Toyota Tundra towing expenses
257				Thomas Skrovig ambulance expenses
258				Photograph of Thomas Skrovig
259				Photograph of Thomas Skrovig
260				Photograph of Thomas Skrovig
261				Photograph of Thomas Skrovig
262				Photograph of Thomas Skrovig
263				Photograph of Thomas Skrovig
264				Photograph of Thomas Skrovig
265				Photograph of Thomas Skrovig
266				Photograph of Thomas Skrovig
267				Photograph of Thomas Skrovig
268				Photograph of Thomas Skrovig
269				Photograph of Thomas Skrovig
270				Photograph of Thomas Skrovig
271				Photograph of Thomas Skrovig
272				Photograph of Thomas Skrovig
273				Photograph of Thomas Skrovig
274				Photograph of Thomas Skrovig
275				Photograph of Thomas Skrovig

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TAMI SKROVIG V. BNSF RAILWAY COMPANY				CASE NO. 10-4022
PLF. NO.	DEF. NO.	OFFERED	ADMITTED	DESCRIPTION OF EXHIBITS
276				Photograph of Thomas Skrovig
277				Photograph of Thomas Skrovig
278				Letter from Thomas Skrovig to Renae Jensen
279				Photograph of Colton softball field scoreboard and Skrovig family
280				Photograph of "Tom Skrovig Day" plaque
281				Photograph of building/home built by Thomas Skrovig and Skrovig Construction
282				Photograph of building/home built by Thomas Skrovig and Skrovig Construction
283				Photograph of building/home built by Thomas Skrovig and Skrovig Construction
284				Photograph of building/home built by Thomas Skrovig and Skrovig Construction
285				Photograph of building/home built by Thomas Skrovig and Skrovig Construction
286				Photograph of building/home built by Thomas Skrovig and Skrovig Construction
287				Photograph of building/home built by Thomas Skrovig and Skrovig Construction
288				Photograph of building/home built by Thomas Skrovig and Skrovig Construction
289				Photograph of building/home built by Thomas Skrovig and Skrovig Construction
290				Photograph of building/home built by Thomas Skrovig and Skrovig Construction
291				Photograph of building/home built by Thomas Skrovig and Skrovig Construction
292				Photograph of building/home built by Thomas Skrovig and Skrovig Construction
293				Photograph of building/home built by Thomas Skrovig and Skrovig Construction
294				Photograph of building/home built by Thomas Skrovig and Skrovig Construction

PLAINTIFF'S EXHIBIT LIST – CONTINUATION

TAMI SKROVIG V. BNSF RAILWAY COMPANY				CASE NO. 10-4022
PLF. NO.	DEF. NO.	OFFERED	ADMITTED	DESCRIPTION OF EXHIBITS
295				Photograph of building/home built by Thomas Skrovig and Skrovig Construction
296				Weather Underground report for Sioux Falls, SD (8/20/07)
297				Weather Underground report for Sioux Falls, SD (8/21/07)
298				Meteorological records from the National Oceanic and Atmospheric Administration for Sioux Falls, SD (8/20/07)
299				Meteorological records from the National Oceanic and Atmospheric Administration for Sioux Falls, SD (8/21/07)
300				Certificate of Death for Thomas Skrovig
301				Investigation Notice Letter
302				Correspondence from Rico Walker to Dwight Wise (8/27/07)
303				Correspondence from Rico Walker to Dwight Wise (signed by Dwight Wise and Tom Neeser) (8/31/07)
304				Correspondence from Rico Walker to Dwight Wise (8/31/07)
305				Photograph of crossings and 465 th Ave taken by Lisa Sorum
306				Map of railroad crossing at 465 th Ave by David Noyce (9/21/07)
307				Map of railroad crossing at 465 th Ave by David Noyce (9/21/07)
308				Map of railroad crossing at 465 th Ave by David Noyce (9/21/07)
309				Progress Note for Thomas Skrovig from Dr. Brian C. Aamlid (8/16/07)
310				BNSF Engineering Instructions, Ch. 1 (Safety)
311				Summary of calculations by Ralph Brown

Plaintiff reserves the right to offer additional exhibits disclosed during discovery as needed or for impeachment purposes.

Plaintiff reserves the right to offer any exhibit identified by Defendant and to present additional exhibits in rebuttal of evidence presented by Defendant.

PLAINTIFF'S EXHIBIT LIST – CONTINUATION

TAMI SKROVIG V. BNSF RAILWAY COMPANY				CASE NO. 10-4022
PLF. NO.	DEF. NO.	OFFERED	ADMITTED	DESCRIPTION OF EXHIBITS

Dated at Sioux Falls, South Dakota, this 20th day of April, 2012.

DAVENPORT, EVANS, HURWITZ & SMITH, L.L.P.

/s/ Shane E. Eden

Edwin E. Evans
Shane E. Eden
206 West 14th
P. O. Box 1030
Sioux Falls, SD 57101-1030
Telephone: (605) 336-2880
Facsimile: (605) 335-3639
Attorneys for Defendants

CERTIFICATE OF SERVICE

The undersigned, one of the attorneys for Tami Skrovig, as Personal Representative of the Estate of Thomas Jeffrey Skrovig, deceased, hereby certifies on this 20th day of April, 2012, I caused the following document:

♦ **Plaintiff's Exhibit List**

to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-mail notice of the electronic filing to the following:

Thomas C. Sattler
WOLFE, SNOWDEN, HURD, LUERS & AHL, LLP
Wells Fargo Center
1248 "O" Street, Suite 800
Lincoln, NE 68508-1424
Attorneys for Defendant

Dated this 20th day of April, 2012.

/s/ Shane E. Eden
Shane E. Eden